

JOHN F. COOK
MAYOR

JOYCE WILSON
CITY MANAGER



CITY COUNCIL
ANN MORGAN LILLY, DISTRICT 1
SUSIE BYRD, DISTRICT 2
EMMA ACOSTA, DISTRICT 3
CARL L. ROBINSON, DISTRICT 4
MICHEL R. NOE, DISTRICT 5
EDDIE HOLGUIN JR., DISTRICT 6
STEVE ORTEGA, DISTRICT 7
CORTNEY CARLISLE NILAND, DISTRICT 8

AGENDA FOR REGULAR CITY COUNCIL MEETING

**October 4, 2011
Council Chambers, City Hall
9:00 a.m.**

After the meeting is convened, the City Council shall consider the following items in the following order no sooner than the designated times, but may consider them at a later time.

Roll call and Executive Session*
Invocation and Pledge of Allegiance
Ceremonial items followed by all other items posted on the Agenda

*At any time during the Council meeting, the City Council may meet in executive session pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Chapter 551, Subchapter D, to discuss items as permitted by law.

**Invocation – Chaplain Lisle Davis
Pledge of Allegiance**

MAYOR'S PROCLAMATIONS

- 1. TOM LEA MONTH**
- 2. ARCHTOBER MONTH**
- 3. NATIONAL NIGHT OUT 2011**
- 4. LAW ENFORCEMENT APPRECIATION DAY**

CALL TO THE PUBLIC – PUBLIC COMMENT

This time is reserved for members of the public who would like to address the City Council on items that are not on the City Council Agenda.

A sign-up form is available on line at https://www.elpasotexas.gov/muni_clerk/contact_public.asp for those who wish to sign up in advance of the meeting date and a sign-up form is available outside the City Council Chambers at the City Clerk table for those who wish to sign up on the day of the meeting.

Requests to speak must be received by 9:00 a.m. on the date of the meeting.

30 Minutes total is allotted for speakers.

Three to five minutes may be allowed for each speaker.

NOTICE TO THE PUBLIC

All matters listed under the CONSENT AGENDA, including those on the Addition to the Agenda, will be considered by City Council to be routine and will be enacted by one motion unless

separate discussion is requested by Council Members. Prior to the vote, members of the audience may ask questions regarding items on the consent agenda. When the vote has been taken, if an item has not been called out for separate discussion, the item has been approved. Council may, however, reconsider any item at any time during the meeting. The wording of all agenda items shall appear in the minutes of this meeting of the City Council as posted, unless otherwise revised by this or other motion of Council, without the necessity of the City Clerk reading the wording of each item into the record.

CONSENT AGENDA

1. APPROVAL OF MINUTES:

Approval of Minutes for the Regular City Council Meeting of September 27, 2011.
[Municipal Clerk, Richarda Duffy Momsen, (915) 541-4127]

2. REQUEST TO EXCUSE ABSENT CITY COUNCIL MEMBERS:

Mayor John F. Cook

3. MUNICIPAL CLERK:

The submission of certified recall petitions for Mayor John F. Cook, City Representative Susie Byrd, District 2, and City Representative Steve Ortega, District 7, in accordance with City Ordinance # 008066. **(All Districts)**
[Municipal Clerk Richarda Duffy Momsen, 541-4127]

4. BOARD APPOINTMENTS:

4A. Samuel J. Barela to the Zoning Board of Adjustment, as an alternate member, by Representative Susie Byrd, District 2. [Representative Susie Byrd, (915) 541-4996]

4B. Armando Armendariz II to the Empowerment Zone Advisory Board by Representative Susie Byrd, District 2. [Representative Susie Byrd, (915) 541-4996]

4C. Scott Walker to the Zoning Board of Adjustment, as a regular member, by Representative Cortney Carlisle Niland, District 8.
[Representative Cortney Carlisle Niland, (915) 541-4268]

4D. Michelle Aboud to the Retired and Senior Volunteer Program (RSVP) Advisory Council by Representative Cortney Carlisle Niland, District 8.
[Representative Cortney Carlisle Niland, (915) 541-4268]

4E. Hector Homero Galicia to the Empowerment Zone Advisory Board by Representative Ann Morgan Lilly, District 1.
[Representative Ann Morgan Lilly, (915) 541-4886]

4F. A Resolution that John Bretting be appointed to the Board of Directors of the Industrial Development Authority, Incorporated, on behalf of Representative Cortney Carlisle Niland, District 8.
[Representative Cortney Carlisle Niland, (915) 541-4268]

5. Appointment of City Representative Steve Ortega to serve as the City of El Paso representative on the Board of Directors of Border Trade Alliance as recommended by the Committee on Border Relations. [Mayor John F. Cook, (915) 541-4145]

REGULAR AGENDA - INTRODUCTIONS**6. INTRODUCTION OF ORDINANCES PURSUANT TO SECTION 3.9 OF THE EL PASO CITY CHARTER:**

**Public comment typically is not taken during the introduction of ordinances.
Public comments are invited at the date of the scheduled public hearing.**

- 6A.** An Ordinance amending Title 18 (Building and Construction), Chapter 18.10 (Residential Code), of the El Paso City Code, by adding Section 18.10.265 (Protection of Water Service Entrance) and Section 18.10.266 (Plumbing within exterior walls) to help prevent pipes from freezing during severe weather, the penalty being as provided in Section 18.02.107 (Violations and Penalties) of the El Paso City Code. **(All Districts)**
[Engineering and Construction Management, R. Alan Shubert, (915) 541-4423]
- 6B.** An Ordinance amending Title 18 (Building and Construction), Chapter 18.20 (Plumbing Code), of the El Paso City Code, by adding Section 18.20.240 (Protection of Water Service Entrance) and Section 18.20.250 (Plumbing within exterior walls) to help prevent pipes from freezing during severe weather, the penalty being as provided in Section 18.02.107 (Violations and Penalties) of the El Paso City Code. **(All Districts)**
[Engineering and Construction Management, R. Alan Shubert, (915) 541-4423]
- 6C.** An Ordinance amending Title 18 (Building and Construction), Chapter 18.28 (Existing Building Code), of the El Paso City Code, by adding Section 18.28.060 (Plumbing Repairs) to help prevent pipes from freezing during severe weather, the penalty being as provided in Section 18.02.107 (Violation and Penalties) of the El Paso City Code. **(All Districts)**
[Engineering and Construction Management, R. Alan Shubert, (915) 541-4423]
- 6D.** An Ordinance amending Title 18 (Building and Construction), Chapter 18.02 (Building and Construction Administrative Code) Section 18.02.108.5.1 (Bond Required), of the El Paso City Code, decreasing the required bond amount for contractors from \$50,000 to \$25,000 and allowing for additional exceptions to the \$25,000 bond requirement, the penalty being as provided in Section 18.02.107 (Violations and Penalties) of the El Paso City Code. **(All Districts)**
[Engineering and Construction Management, R. Alan Shubert, (915) 541-4423]
- 6E.** An Ordinance granting a non-exclusive franchise to Cemex Construction Materials South, LLC, to operate and maintain a solid waste collection and hauler service within the City of El Paso subject to the terms and conditions described herein; the penalty as provided in Section 9.04.630 of the El Paso City Code. **(All Districts)** [Environmental Services, Ellen A. Smyth, (915) 621-6719]
- 6F.** An Ordinance amending Title 18 (Building and Construction), Chapter 18.46 (Landscape) of the El Paso City Code, to modify the definition of landscapable area, reduce the required number of one gallon plant materials, reduce the height of one inch caliper project tree substitutions, allow project tree substitutions for five gallon plant materials, reduce the frontage landscape buffer for certain shopping centers, adopt a designated landscape infill development area, reduce the landscape requirements for properties within the area, and add a plant

coverage option. The penalty being as provided in Section 18.46.180 (Violations – Penalty) of the El Paso City Code. **(All Districts)**
 [Planning and Economic Development, Mathew McElroy, (915) 541-4193]

PUBLIC HEARING WILL BE HELD ON OCTOBER 18, 2011, FOR ITEMS 6A – 6F

Public Hearings will be held as part of the regular City Council meeting that begins at approximately 9:00 a.m. All interested persons present shall have an opportunity to be heard at that time. After the public hearings, Council may also delay taking action on Ordinances; no requirement is made by Section 3.9B of the El Paso City Charter to publish any further notice. Copies of all Ordinances are available for review in the City Clerk's office, 2 Civic Center Plaza, Monday through Thursday, 7:00 a.m. to 6:00 p.m.

REGULAR AGENDA – PUBLIC HEARINGS

7. PLANNING AND ECONOMIC DEVELOPMENT:

- 7A.** An Ordinance changing the zoning of Lot 1, Block 1, Paisano Green Community, City of El Paso, El Paso County, Texas from A-3 (Apartment) to G-MU (General Mixed Use). The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 4000 Paisano Drive. Property Owner: Housing Authority of the City of El Paso. PZRZ11-00030 **(District 8)**
 [Planning and Economic Development, Esther Guerrero, (915) 541-4720]
- 7B.** An Ordinance granting Special Permit No. PZST11-00008, to allow for a ground-mounted 75 foot Personal Wireless Service Facility on the property described as Tract 1M, Section 28, Block 81, Township 1, Texas and Pacific Railway Surveys, City of El Paso, El Paso County, Texas, pursuant to Section 20.10.455 of the El Paso City Code. The penalty being as provided in Chapter 20.24 of the El Paso City Code. Subject Property: 5301 Wadsworth Avenue. Applicant: Verizon Wireless. PZST11-00008 **(District 4)**
 [Planning and Economic Development, Andrew Salloum, (915) 541-4633]
- 7C.** An Ordinance granting Special Permit No. ZON11-00003, to allow for Infill Development with Reduced Setbacks and a Parking Reduction on the property described as a portion of Lots 3 and 4, Block 6, Del Norte Acres, City of El Paso, El Paso County, Texas, pursuant to Section 20.04.320 of the El Paso City Code. The penalty being as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 8620 Gateway North Boulevard. Property Owner: Disabled American Veterans Northeast Chapter #187. ZON11-00003 **(District 2)**
 [Planning & Economic Development, Esther Guerrero, (915) 541-4720]
 POSTPONED FROM 9-20-2011
- 7D.** An Ordinance changing the zoning of Lot 2, Block 2, Keystone Business Park Replat A, City of El Paso, El Paso County, Texas from P-I/sc (Planned Industrial/special contract) to C-4/sc (Commercial/special contract). The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 4501 Osborne Drive. Property Owner: EP Dirtmen, LLC & CIC Limited, Inc. PZRZ11-00026 **(District 8)**
 [Planning and Economic Development, Esther Guerrero, (915) 541-4720]
 POSTPONED FROM 9-20-2011
- 7E.** An Ordinance changing the zoning of a portion of Tract 2C1, Block 35, Ysleta Grant, City of El Paso, El Paso County, Texas from C-3 (Commercial) and A-M

(Apartment/Mobile Home Park) to C-4 (Commercial). The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 8482 Alameda Avenue. Applicant: NCJ Development, Inc. and Cash Investments, Inc. ZON10-00093 THIS IS AN APPEAL CASE (District 7)

[Planning and Economic Development, Andrew Salloum, (915) 541-4633]
POSTPONED FROM 6-14-2011, 8-9-2011, 8-30-2011, AND 9-20-2011

REGULAR AGENDA – OTHER BUSINESS

8. CITY ATTORNEY:

- 8A.** Discussion and action on Order to El Paso Electric to Show Cause why its base rates for electric service in the City of El Paso should not be lowered, and file a rate-filing package with the City of El Paso no later than February 1, 2012; directing the City Manager to notify El Paso Electric Company of the Council's order; and authorizing the City Attorney to engage outside counsel and consultants to represent the City on this matter and evaluate the filing.

(All Districts)

[City Manager's Office, William F. Studer Jr., (915) 541-4215]

[City Attorney's Office, Bertha A. Ontiveros, (915) 541-4550]

- 8B.** Discussion and action to schedule a hearing concerning establishing Interim Temporary Rates at the Regular City Council meeting of October 25, 2011 and directing the City Manager to notify El Paso Electric Company of the Council's order. **(All Districts)**

[City Manager's Office, William F. Studer Jr., (915) 541-4215]

[City Attorney's Office, Bertha A. Ontiveros, (915) 541-4550]

9. MAYOR AND COUNCIL:

Discussion and action on directing the City Manager to look at the possibility of the city leasing to a third party city owned property located at the intersection of I-10 and Zaragoza for use as a soccer field.

[Representative Eddie Holguin, Jr., (915) 541-4178]

10. CITY MANAGER:

City Manager's report of current events and issues:

- 10A.** Presentation and acceptance of Preliminary Design Plans for Renovation of San Jacinto Plaza. [Deputy City Manager, Community Services, Deborah Hamlyn, (915) 541-4686]

- 10B.** Discussion and council direction on process to formulate next Quality of Life Bond Election, including but not limited to date for election, possible signature projects if any, and bond capacity limitations.

[Deputy City Manager, Community Services, Deborah Hamlyn, (915) 541-4686]

- 10C.** Discussion and action on staff recommendation to demolish former Lincoln Center which has been closed since 2006 or to terminate lease with TxDOT and return site to State for disposition.

[Deputy City Manager, Community Services, Deborah Hamlyn (915) 541-4686]

EXECUTIVE SESSION

The City Council of the City of El Paso may retire into **EXECUTIVE SESSION** pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Chapter 551, Subchapter D, to discuss any of the following: (The items listed below are matters of the sort routinely discussed in Executive Session, but the City Council of the City of El Paso may move to Executive Session any of the items on this agenda, consistent with the terms of the Open Meetings Act and the Rules of City Council.) The City Council will return to open session to take any final action and may also, at any time during the meeting, bring forward any of the following items for public discussion, as appropriate.

Section 551.071	CONSULTATION WITH ATTORNEY
Section 551.072	DELIBERATION REGARDING REAL PROPERTY
Section 551.073	DELIBERATION REGARDING PROSPECTIVE GIFTS
Section 551.074	PERSONNEL MATTERS
Section 551.076	DELIBERATION REGARDING SECURITY DEVICES
Section 551.087	DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS

NOTICE TO THE PUBLIC:

Sign Language interpreters are provided for regular City Council meetings. Copies of this Agenda will be provided in Braille, large print, or audiotape upon requests made a minimum of 48 hours prior to the meeting.

Hearing Assistance Devices are available upon request.

ALL REGULAR CITY COUNCIL AGENDAS ARE PLACED ON THE INTERNET EVERY THURSDAY AT THE ADDRESS BELOW:

<http://www.elpasotexas.gov/>